

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

OCTOBER 5, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Reverend Bruce Hood of the Feed My Sheep Ministries

Pledge of Allegiance to the Flag

Ceremonial Presentations:

SPCA Pet of the Month – Councilmember Duncan

Proclamation of "DISABILITY AWARENESS MONTH" – Councilmember Dages

Proclamation of "AL SMITH DAY" – Councilmember Duncan

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 28, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.)

- A * Award a requirements contract to Clean Energy of Seal Beach, California for supply of liquid natural gas (LNG) fuel - General Services Dept.

Action Taken:

- B. * Award a requirements contract to ABM Janitorial of Fresno for maintenance and custodial services at Fulton Mall RFP No. 8642 - General Services Dept/PRC&S Dept.

Action Taken:

- C. * Award a contract to Dawson-Mauldin Construction of Huntington Beach, CA to construct well site improvements at Pump Station 320 - General Services/Dept of Public Utilities

Action Taken:

- D. **RESOLUTION** - Authorizing acceptance of the grant award of \$95,701 from the State Office of Emergency Services for the Law Enforcement Specialized Units Program, Violence Against Women 2004 Grant Project – Police Dept.

Action Taken:

- E. Accept the award of \$125,000 from the U.S. Department of Justice, Office of Community Oriented Policing for the COPS in Schools 2004 Grant Program – Police Dept.

Action Taken:

1. * **RESOLUTION** - 27th amendment to AAR No. 2004-209 appropriating \$67,300 from the Fresno County Office of Education and \$31,500 in grant funds from the U.S. Department of Justice (DOJ) Office of Community Oriented Policing for the COPS in Schools Grant Program
(Requires 5 affirmative votes)

Action Taken:

2. * **RESOLUTION** - 12th amendment to PAR No. 2004-210 for the COPS in Schools 2004 Grant Program

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. * **RESOLUTION** – Authorize the Chief of Police to enter into and execute the agreement with the Office of Traffic Safety for the Help Eliminate Alcohol Re-Offender Team (**HEART**) grant award of \$759,573 – Police Dept.

Action Taken:

1. * **RESOLUTION** – 26th amendment to AAR No. 2004-209 appropriating \$319,300 in grant funds from the Office of Traffic Safety to the Fresno Police Department to fund the Help Eliminate Alcohol Re-Offender Team (**HEART**) Grant Project (**Requires 5 affirmative votes**)

Action Taken:

2. * **RESOLUTION** - 9th amendment to PAR No. 2004-210 for the Help Eliminate Alcohol Re-Offender Team Project (**HEART**)

Action Taken:

- G. * Authorize the agreement between One By One Leadership, Fresno Police Activities League (PAL) and City of Fresno for the Mentoring Children of Prisoners Grant Program – Police Dept.

Action Taken:

1. * **RESOLUTION** – 23rd amendment to AAR No. 2004-209 appropriating \$65,400 from One-By-One Leadership to the Fresno Police Department for assistance in administering a Mentoring Children of Prisoners Program (**Requires 5 affirmative votes**)

Action Taken:

2. * **RESOLUTION** – 11th amendment to PAR No. 2004-210 for fiscal year 2005 adding One (1) Community Service Officer II position and One (1) Cadet I position from August 1, 2004 through June 30, 2005

Action Taken:

- H. Approve appointments of Nicole Zieba and Mary Jane Minney to the Deferred Compensation Board – City Manager's Office

Action Taken:

- I. Approve Second Amendment to the HOME Investment Partnerships (HOME) Program Sub-Recipient Agreement between the City of Fresno and the Housing Authority of the City of Fresno to extend the project completion date – Planning and Development Dept.

Action Taken:

- J. **RESOLUTION** - Approving the Final Map of Tract No. 5145 and accepting dedicated public uses therein; authorize Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.

Action Taken:

- K. Approve appointment of Joseph Kitchen to the Edison merger Citizen's Advisory Committee – Councilmember Sterling

Action Taken:

- L. Bills amending a portion of the Fresno Municipal Code relating to Fire and Police and Employee Retirement Systems – Retirement Offices

1. Bills amending portion of the Fresno Municipal Code, relating to the clarification optional forms of settlement and the addition of post-retirement optional forms of settlement

- a. * **BILL NO. B- 93 – (Intro. 9/28/2004) (For adoption)** - Repealing Section 2-1733, adding Sections 2-1733 and 2-1733.1 and amending Section 2-1740, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement in the Fire and Police System

Action Taken:

- b. * **BILL NO. B- 94 – (Intro. 9/28/2004) (For adoption)** - Repealing Section 2-1733A, adding Section 2-1733A and 2-1733.1A and amending Section 2-1740A, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement in the Fire and Police Retirement System

Action Taken:

- c. * **BILL NO. B- 95 – (Intro. 9/28/2004) (For adoption)** - Repealing Section 2-1841.1 and amending Section 2-1848, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement Employees Retirement System

1. **GENERAL CONSENT CALENDAR CONTINUED**

- L. Bills amending a portion of the Fresno Municipal Code relating to Fire and Police and Employee Retirement Systems – Retirement Offices
2. Bills amending portions of the Fresno Municipal code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions
- a. * **BILL NO. B- 96 – (Intro. 9/28/2004) (For adoption)** - Amending Sections 2-1738, 2-1739, 2-1740, of the Fresno Municipal Code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions in the Fire and Police Retirement System
Action Taken:
- b. * **BILL NO. B- 97 – (Intro. 9/28/2004) (For adoption)** - Amending Sections 2-1738A, 2-1739A, 2-1740A, of the survivorship benefits and making technical corrections to the marital dissolution provisions in the Fire and Police Retirement System
Action Taken:
- c. * **BILL NO. B- 98 – (Intro. 9/28/2004) (For adoption)** - Amending Sections 2-1846, 2-1847, 2-1848, of the Fresno Municipal Code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions in the Employees Retirement System
Action Taken:
- M. * **BILL NO. B- 99 – (Intro. 9/28/2004) (For adoption)** - Adding Chapter 22 to the Fresno Municipal Code to establish certain procedures respecting special tax districts – Public Works Dept.
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Authorize City Manager to execute agreement with the Economic Development Corporation serving Fresno County for fiscal year 2005 – Economic Development Dept.
Action Taken:
- B. * **RESOLUTION** – Adopting a City of Fresno Investment Policy for public funds for fiscal year 2004-2005 – Finance Dept
Action Taken:
- C. **RESOLUTION** – Determining to abandon Fresno County Superior Court Case No. 03CECG02180 DSB, for “Eminent Domain Proceedings” authorized by Council Resolution No. 2003-136 for the southeast corner of Inyo and Van Ness Avenues – Public Works Dept.
Action Taken:

3. **CITY COUNCIL**

- A. **RESOLUTION** – Opposing Proposition 68, Gaming Revenue Act of 2004 – Councilmember Duncan, Mayor Autry and Acting President Perea
Action Taken:
- B. Council discussion and direction to schedule a November and January Council agenda item to discuss the current and future fee structure and resources for providing city services – Councilmember Calhoun
Action Taken:

3. **CITY COUNCIL CONTINUED**

- C. Request status update on capital improvement expenditures at Woodward Park – Council President Castillo
Action Taken:
- D. Council approval for a Council override vote of Resolution No. 2004-331 vetoed by Mayor Autry September 24, 2004 (***Council action to override Mayoral veto requires 5 affirmative votes***) – Council President Castillo
1. **RESOLUTION NO. 2004-331** – Establishing Legislative policy relating to the “No Neighborhood Left Behind” Plan

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
Action Taken:
1. **Case Name:** Bobby Burton v. City of Fresno, et al.
2. **Case Name:** Joanne Black v. City of Fresno, et al.
3. **Case Name:** (1) Old Hammer Field/Air Terminal (“OHF”) Environmental Site
(2) Bakman Water Company, Inc., v. Boeing North American, Inc., City of Fresno, et al., CIV-F-01-6249 REC DLB
4. **Case Name:** City of Fresno v. Clifford Tutelian, et al., Fresno Superior Court Case No. 03 CE CG 02180 DSB
Action Taken:
- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Government Code Section 54957
Title: City Clerk
Title: City Attorney
Action Taken:
- C. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6,
City Negotiator(s): Jon Ruiz, Adela Gonzalez, Kathy Eckerson, Bob LaSala and Renee Mayne
Employee Organization(s):
1. City of Fresno Professional Employees’ Association (CFPEA)
2. International Brotherhood of Electrical Workers, Local 100 (IBEW)
3. International Union of Operating Engineers, Stationary Engineers Local 39
4. Fresno Police Officers’ Association (FPOA Management Unit)
Action Taken:

4 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:30 A.M. **BILL - (For Re-introduction)** – Repealing Article 2 of Chapter 6 and adding Article 2 to Chapter 6 to the Fresno Municipal Code relating to cable communications systems – City Manager’s Office
Action Taken:
- 10:30 A.M. Consideration of Environmental Impact Report No. 10132 (State Clearinghouse No. 2002071074) filed by the City of Fresno Public Works Department for the widening of N. Chestnut Avenue to Four (4) lanes between E. Shaw and E. Bullard Avenues (Project located within the Hoover Community Plan Area and Council District 4) - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Certifying focused Environmental Impact Report No. 10132 for the proposed widening of N. Chestnut Avenue to Four (4) lanes between E. Shaw and E. Bullard Avenues
Action Taken:

COUNCIL HEARINGS AND MATTERS CONTINUED

10:40 A.M. **HEARING** to consider Rezone Application No. R-04-32 and environmental findings, filed by Quad Knopf on behalf of Centex Homes, pertaining to approximately 35 acres of property located at the southwest corner of E. Hamilton and S. Armstrong Avenues (***Property located in District 5***) – Planning and Development Dept.

Action Taken:

a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-32/T-5290

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agriculture/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

12:00 P.M. Council tour of the Veterans Museum and lunch immediately following

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:30 P.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda. Presentation limited to three (3) minutes:

A. *SCHEDULED PUBLIC COMMENT* – Appearance by Robert Rogers to discuss restoration and adding additional stores at the Fulton Mall

B. *UNSCHEDULED COMMUNICATION* – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

2:40 P.M. Historic Preservation – Planning and Development Dept.

1. Consider nominations to the Local Register of Historic Resources

a. **RESOLUTION** - Designating Benham Ice Cream Company/Dale Brother s Coffee Company, located at 1420 and 1432 “H” Street, to the Local Register of Historic Resources (***Historic Preservation Commission recommendation***)

Action Taken:

b. **RESOLUTION** - Designating the Benham Ice Cream Company/Dale Brothers Coffee Company building, located at 1420 “H” Street, to the Local Register of Historic Resources (***Staff recommendation***)

Action Taken:

c. **RESOLUTION** - Designating Dale Brothers Coffee Can Sign, located at 1420 “H” Street, to the Local Register of Historic Resources

Action Taken:

d. **RESOLUTION** - Designating the Cearley-Twining Home, located at 625 E. Home Avenue, to the Local Register of Historic Resources

Action Taken:

e. **RESOLUTION** - Designating the Nis Johnson Home, located at 601 E. Pine Avenue, to the Local Register of Historic Resources

Action Taken:

f. **RESOLUTION** - Designating Sham’s Rio Grande Service Station, located at 205 Fulton Street, to the Local Register of Historic Resources

Action Taken:

COUNCIL HEARINGS AND MATTERS CONTINUED

4:30 P.M. CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises - Planning and Development Dept. ***(Request to continue to December 14, 2004 @ 4:30 p.m.)***
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	12 -	NO MEETING – COLUMBUS DAY
Oct	19 -	9:00 A.M. Presentation of P.R.I.D.E. Team Certificates <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	19 -	10:00 A.M. HEARING re: Rezone Appl. No. 04-13, filed by Jeffrey Wall, property located at the east side of Brawley between Clinton and Princeton Avenues
Oct.	19 -	10:05 A.M. HEARING re: Rezone Appl. No. 04-49, filed by Hung Nguyen, property located at the northwest corner of Olive and Mariposa
Oct.	19 -	10:15 A.M. WORKSHOP and direction regarding Cal Trans/City partnership– Public Works Dept. and Planning and Development
Oct.	19 -	10:45 A.M. TEFRA HEARING to consider information concerning the financing and refinancing the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center – Finance Dept.
Oct.	19 -	3:00 P.M.#1 HEARING to consider Rezone Application No. R-04-20, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen
Oct.	19 -	3:00 P.M.#2 Trimester Plan Amendment Continued Hearing re: Plan Amendment No. A-03-17, initiated by the Planning and Dev. Director upon request of Councilmember Dages
Oct.	19 -	5:00 P.M. Trimester Plan Amendment Continued Joint Hearing re: to Plan Amendments, Rezonings, and Hope VI Project
Oct.	26 -	8:30 A.M. Presentation of Fresno Area Express Driver Appreciation Awards
Oct.	26 -	10:00 A.M. HEARING re: approving vacation of the northwest four feet of Amador Street betw. "H" St. and Broadway Street
Oct.	26 -	10:05 A.M. HEARING re: vacation of a portion of James St. betw. Herndon and Elgin Avenues and Farrington St. betw. Freeway 99 and James St.
Oct.	26 -	10:10 A.M. HEARING re: CFD No. 2, Annexation No. 78, Final Tract Map No. 5078
Oct.	26 -	10:15 A.M. HEARING re: CFD No. 2, Annexation No. 80, Final Tract Map No. 5228
Oct.	26 -	10:20 A.M. HEARING re: Plan Amendment No. A-03-16, Rezone Appl. No. R-03-77, filed by Copper River Ranch
Oct.	26 -	11:00 A.M. Acceptance of the Civil Service Board recommendation that elected officials' compensation remain the same – Personnel Services Dept.
Oct.	26 -	2:30 P.M. CONTINUED JOINT HEARING to consider approval of the Disposition and Development Agreement between the RDA and "master developer" Noyan/Frazier Properties LLC. , and sale of the Mid State Bowl property at the southwest corner of Clinton and Weber Avenues
Oct.	26 -	3:00 P.M. WORKSHOP re: new fee schedule for fire inspections
Nov.	2 -	NO MEETING – ELECTION DAY (TENTATIVE)
Nov.	9 -	10:00 A.M. Presentation of Employee Service Awards <i>(Reception immediately following – 2nd floor foyer)</i>
Nov.	16 -	NO MEETING – VETERAN'S DAY
Nov.	23 -	NO MEETING – THANKSGIVING WEEK
Nov.	23 -	REGULAR MEETING
Dec.	7 -	REGULAR MEETING
Dec.	14 -	4:30 P.M. CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Dec.	21 -	NO MEETING – CHRISTMAS WEEK
Dec.	28 -	NO MEETING – NEW YEAR'S WEEK